

COPY 22

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRONE P. JAMES

Plaintiff

CIVIL ACTION NO. 1:CV-01-1015

Judge Kane

v.


YORK COUNTY POLICE DEPT.,

ET AL.,

Defendants

FILED
SCRANTON

OCT 31 2001

PER.  DEPUTY CLERK

MOTION TO AMENDED COMPLAINT
AND BRIEF

Come now, hereby Plaintiff in Pro-se, ask this Court to Amend complaint under Rule 15 of the Federal Rules Of Civil Procedure, and add the following named defendants to this complaint.

1. Agent Randy Sipes, of the California Department of Justice, Office of the Attorney General, Narcotic Division.

2. Agent Brian K. Westmoreland (Supervisor) Office of Attorney General Bureau of Narcotic Investigation and Drug Control, Lemoyne, Pennsylvania.

3. Detective Glowczeski, York County Drug Task Force York, Pennsylvania.

Brief

4. Agent randy Sipes search a package which was addressed to Plaintiff, at the Mail Box Etc. in California, without a warrant on January 8, 2001 and without the proper due process to the First, Fourth and Fourteenth Amendment of the United States Constitution; Agent Sipes was in violation of 18 USCS section 1702 prying into business and secrets of one's private mail or package without the proper due process. Protection of such letter

being within constitutional power of Congress. See, *United States v Mc Cready* (1882, CC Tenn) 11 F 225; See 18USCS section 1702 is constitutional. *Biggs v United States* (1970, D Fla) 318 F supp 212, affd (CA5 Fla) 438 F2d 1180. This led to the pretext and subterfuge arrest on January 10, 2001 by the other Defendants. Agent Sipes as violated my rights under Constitutional , Federal and States law.

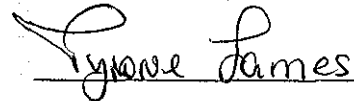
5. On January 10, 2001, Agent Brian K. Westmoreland approached me at the Mail Box Etc., Kingston Square Center, in York PA., without showing any form of authority, or identifying himself as a Police Officer, looking like thugs attacked me. not knowing the nature or the purpose for his approach, I started moving away from him; he persistently keep attacked by running toward me; The make shift box I was carry, which the officer had left at the Mail Box Etc. I dropped, while moving away from him I was hit by a van driven by Detective Glowczeski and thrown to the ground, where I was tamped upon by Agent Westmoreland and the other Defendants with their shoes and hand while under restraint. Agent Westmoreland was the Supervisor who failed to supervise, and show authority.

6 Detective Glowczeski was the driver of that van who purposely , knowingly and intentionally run the vehicle and hit Plaintiff and through him to the ground.

This court should grand leave freely to amend complaint; *Foman v. Davis*, 371 US. 178, 182, 83 S. Ct. 227 (1962); *Interroyal Corp. v. sponseller* 889 F2d 108, 112 (6th Cir), cert denied, 494 U. S. 1091.

WHEREFORE, Plaintiff requests that the court grant this motion to amend complaint and add the following parties.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Tyrone James". The signature is written in dark ink and is positioned above a solid horizontal line.

TYRONE P. JAMES

Dated October 28, 2001.